

Attorney Docket No. 5405-232DV

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Amalfitano et al.

Group: 1632

Serial No.: 09/972,794

Examiner: Nguyen

Filed: October 5, 2001

Confirmation No. 5221

For: DELETED ADENOVIRUS VECTORS AND METHODS OF MAKING
AND ADMINISTERING THE SAME

October 14, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$110 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

Respectfully submitted,


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CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV318418285US

Date of Deposit: October 14, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Sloan Smith



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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Sir:

I, Karen A. Magri, am an attorney of record of the disclaimant, Duke University, and am authorized to execute this disclaimer on behalf of Duke University. The disclaimant, Duke University, an educational institution having a principal place of business at Erwin Road, County of Durham, State of North Carolina, is the owner of all right, title, and interest in the above-identified application.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Application Serial No. 09/384,749 (now U.S. Patent No. 6,328,958), filed August 27, 1999, entitled *Deleted Adenovirus Vectors and Methods of Making and Administering the Same*.

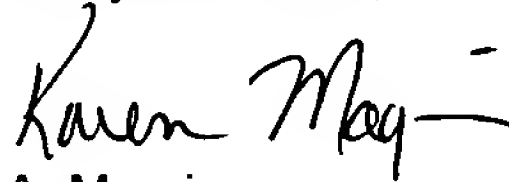
Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal titles to United States Application Serial No. 09/384,749 (now U.S. Patent No. 6,328,958), filed August 27, 1999, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of United States Application Serial No. 09/384,749 (now U.S.

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Patent No. 6,328,958), filed August 27, 1999, in the event it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

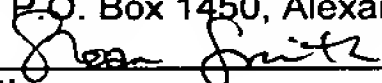


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